

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARK ALLEN SILVA,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS,

Defendant.

CASE NO. C24-5485 BHS

ORDER

THIS MATTER is before the Court on Magistrate judge Michelle L. Peterson's Report and Recommendation (R&R), Dkt. 7, recommending the Court dismiss pro se plaintiff Mark Allen Silva's complaint without prejudice and without leave to amend. Judge Peterson granted Silva's application to proceed *in forma pauperis*, but declined to serve it under 28 U.S.C. §§ 1915 and 1915A. Dkt. 6.

Judge Peterson's June 27, 2024, Order identified the deficiencies in Silva's proposed complaint, and permitted Silva 30 days to file an amended complaint correcting those deficiencies. *Id.* He has not done so.

1 A district judge must determine de novo any part of a magistrate judge's proposed
2 disposition to which a party has *properly objected*. 28 U.S.C. § 636(b)(1)(C) (emphasis
3 added); *accord* Fed. R. Civ. P. 72(b)(3). It must modify or set aside any portion of the
4 order that is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a). A district judge
5 must review the magistrate judge's findings and recommendations de novo *if objection is*
6 *made*, but not otherwise." *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir.
7 2003) (en banc). A proper objection requires "specific written objections to the proposed
8 findings and recommendations" in the R&R. Fed. R. Civ. P. 72(b)(2).

9 Silva has not objected to the R&R, and he has not established that it is clearly
10 erroneous or contrary to law.

11 The R&R is ADOPTED, and this matter is DISMISSED without prejudice. Silva's
12 *in forma pauperis* status is REVOKED in the event of an appeal. The clerk shall enter a
13 judgment and close the case.

14 **IT IS SO ORDERED.**

15 Dated this 1st day of October, 2024.

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18 BENJAMIN H. SETTLE
19 United States District Judge
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